

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01942

COUNSEL: NONE

NOV 13 1998

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

He be permitted to make an election to participate in the Reserve Component Survivor Benefit Plan (RCS'BP)

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APPLICANT CONTENDS THAT:

His RCSBP package was misplaced due to personal situations, which prevented him from making a decision in time.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The RCSBP package, sent by certified mail, notifying the member of his eligibility to participate in the RCSBP was signed for by the member on 7 March 1998. The applicant had 90 days to elect coverage under RCSBP; however, no election was received within the 90 day time frame.

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AIR FORCE EVALUATION:

The Deputy Director of Customer Assistance, HQ ARPC/DR, reviewed this application and states the requirement that the member submit an election within 90 days of receipt is clearly established by Title 10, United States Code, Section 1448(a)(2)(B). He remains eligible to participate in the Survivor Benefit Plan when he reaches age 60. Therefore, they recommend denial of applicant's request.

A complete copy of the Air Force evaluation is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinion and states that due to job related problems in combination with the hospitalization of his mother and mother-in-law has caused tremendous stress on him causing him to temporarily misplace the RCSBP package. He states if he is not able to participate in the RCSBP and if he dies before he reaches age 60 his wife and children will not have the benefices he has worked so hard for.

Applicant's complete response is attached at Exhibit E.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 27 October 1998, under the provisions of AFI 36-2603:

Mr. Henry C. Saunders, Panel Chair  
Ms. Ann Heidig, Member  
Mrs. Barbara A. Westgate, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 10 July 1998, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DR, dated 29 July 1998.
- Exhibit D. Letter, MIBR, dated 17 August 1998.
- Exhibit E. Applicant's Response, dated 19 August 1998.

A handwritten signature in black ink, appearing to read "Henry C. Saunders". The signature is written in a cursive style with a long horizontal flourish extending to the right.

HENRY C. SAUNDERS  
Panel Chair